

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

VICKY S. CRAWFORD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3-03-0996
	)	Judge Campbell
THE METROPOLITAN GOVERNMENT OF	)	Magistrate Judge Brown
NASHVILLE AND DAVIDSON COUNTY,	)	
TENNESSEE,	)	
	)	
Defendant.	)	

**THE METROPOLITAN GOVERNMENT'S**  
**PRE-TRIAL BRIEF ON RECOVERABLE DAMAGES**

In her Complaint, Plaintiff seeks “compensatory damages” including, but not limited to “damages for pain and suffering, humiliation, embarrassment, back pay, lost benefits and personal injury.” Complaint, p. 5 (Docket No. 1). Additionally, Plaintiff requests reinstatement, “or front pay in lieu thereof,” “liquidated and punitive damages,” “prejudgment interest,” “attorneys fees,” and costs. *Id.*

Under Title VII, the jury may award “compensatory damages.” Jacob A. Stein, 1 *Stein on Personal Injury Damages Treatise* § 5:3 (3<sup>rd</sup> Edition). “[C]ompensatory damages consist of past pecuniary loss (out-of-pocket loss), future pecuniary loss, and nonpecuniary loss (emotional harm).” *Id.* In this case, compensatory damages are capped at \$300,000. *See* 42 U.S.C. 1981a(b)(3)(d).

Equitable remedies, such as reinstatement or front pay, are also available under Title VII; however, the Court determines whether reinstatement or front pay are appropriate. *See Cox v. Shelby State Community College*, 194 Fed.Appx. 267, 275 (6<sup>th</sup> Cir. 2006) (“Determination of when to award front pay is within the discretion of the trial

court . . .”). Additionally, “the remedies of reinstatement and front pay are alternative, rather than cumulative.” *Id.* (citation omitted).

Finally, while Plaintiff requests liquidated and punitive damages, Title VII does not provide for liquidated damages. Furthermore, it is well-settled that a plaintiff may not recover punitive damages under Title VII against a governmental entity. *See Robinson v. Runyon*, 149 F.3d 507, 516-17 (6<sup>th</sup> Cir. 1997) (holding that governmental agencies are exempt from punitive damages under Title VII); *Triplett v. Shelby County Government*, 621 F.Supp.2d 576 (W.D. Tenn. 2008) (“A plaintiff cannot recover punitive damages against a governmental entity under Title VII or § 1983). In fact, Congress has specifically exempted governmental entities from liability for punitive damages under Title VII. *See* 42 U.S.C. § 1981(b)(1)(2008). Accordingly, Plaintiff cannot recover punitive damages in this case.

THE DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document has been forward via the Court's electronic filing system to Ann Buntin Steiner, 214 Second Avenue North, Suite 203, Nashville, Tennessee 37201, on this the 4<sup>th</sup> day of January, 2010.

/s/ Kevin C. Klein  
Kevin C. Klein